

THE HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LESLIE JACK, individually and as personal
representative of PATRICK JACK and DAVID
JACK, individually,

Plaintiffs,

v.

ASBESTOS CORPORATION LTD., et al.,

Defendants.

No. 2:17-cv-00537 JLR

MOTION TO WITHDRAW AND
SUBSTITUTE APPEARANCE OF LAW
FIRM OF RECORD FOR DEFENDANT
BORGWARNER MORSE TEC LLC

I. RELIEF REQUESTED

Pursuant to LCR 83.2(b)(1), Richard Ross respectfully moves this Court to withdraw the law firm of Selman Breitman as counsel of record and substitute the law firm of Bennett Bigelow & Leedom as law firm of record in the above-captioned civil action. In support of this Motion, counsel submits the accompanying subjoined declaration in support thereof. Counsel for Plaintiff Benjamin Adams has stipulated to this Motion to Withdrawn and Substitute.

II. STATEMENT OF FACTS¹

Defendant BorgWarner Morse TEC LLC is presently represented by Richard D. Ross of the law firm of Selman Breitman LP. Mr. Ross has terminated his employment with Selman Breitman and is now associated with the law firm of law firm of Bennett Bigelow & Leedom ("BBL"). The defendant BWMT having been advised has assigned responsibility for its defense

¹ All facts stated herein are supported by the Declaration of Richard D. Ross in Support of Motion to Withdraw.

1 in this matter from Selman Breitman to BBL. Pursuant to email dated July 17, 2018, counsel for
2 plaintiff Benjamin Adams stipulates to this withdraw and substitution and has authorized Mr.
3 Ross to file this Motion with the Court.

4 **III. EVIDENCE RELIED UPON**

- 5 1. Declaration of Richard Ross to Withdraw and Substitute Appearance.
6 2. The records and pleadings in the Court File.

7 **IV. LEGAL AUTHORITY AND ARGUMENT**

8 Pursuant to Local Rule 83.2, no attorney shall withdraw except by leave of the Court. LCR
9 83.2(b)(1). “[T]he trial court retains wide discretion in a civil case to grant or deny [a] motion to
10 withdraw.” *Bohnert v. Burke*, No. CV-08-2303-PHX-LOA, 2010 WL 5067695, at *1 (D. Ariz.
11 Dec. 7, 2010) (citing *Le Grand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir.1998)); *Ohntrup v.*
12 *Firearms Center, Inc.*, 802 F.2d 676, 679 (3d Cir.1986)). See *Curtis v. Illumination Arts, Inc.*,
13 2014 WL 556010, at *4 (W.D. Wash. Feb. 12, 2014).

14 The Court should consider various factors when evaluating a motion to withdraw, including
15 (1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants;
16 (3) the harm withdrawal might cause to the administration of justice; and (4) the degree to which
17 withdrawal will delay the resolution of the case. See *Curtis*, 2014 WL 556010, at *4
18 (citing *Bohnert*, 2010 WL 5067695, at *2 and *In re Ryan*, No. 08-6250-HO, 2008 WL 4775108,
19 at *3 (D. Or. Oct. 31, 2008)).

20 Here the rationale for this withdraw is simple. Lead counsel for BWMT in this matter are
21 Richard D. Ross and Michael Madderra, formerly of the law firm of Selman Breitman. Both Mr.
22 Ross and Mr. Madderra have resigned from Selman Breitman in order to practice law with the law
23 firm of Bennett Bigelow & Leedom. BWMT has authorized Mssrs. Ross and Madderra to continue
24 as counsel of record at BBL in place of the law firm of Selman Breitman.

25 **V. CONCLUSION**

26 For the aforementioned reasons, Richard Ross respectfully moves this Court to withdraw

1 and substitute his appearance in the above-captioned civil action to reflect his association with
2 the law firm of Bennett Bigelow & Leedom in place of the law firm of Selman Breitman. A
3 proposed order to the same effect is provided herewith.

4 DATED this 17th day of October, 2017.

5 BENNETT BIGELOW & LEEDOM, P.S.

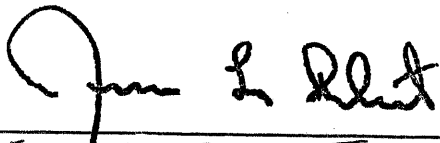
6 By s/ Richard D. Ross

7 Richard D. Ross, WSBA #34502
8 Bennett Bigelow & Leedom, P.S.
9 601 Union Street, Suite 1500
10 Seattle, Washington 98101-1363
11 Email: rross@bbllaw.com
12 Attorney for Defendant

13 ORDER

14 It is so ordered.

15 Dated this 18th of July, 2018

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18 JAMES L. ROBART
19 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that on the following date, I, Richard D. Ross electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all counsel of record who receive CM/ECF notification.

DATED this 17th day of July, 2018.

/s/ Richard D. Ross